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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,497	08/24/2001	Timothy R. Faber	CRC-148/47181-00248	3304

23569 7590 08/04/2003

SQUARE D COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
1415 SOUTH ROSELLE ROAD
PALATINE, IL 60067

EXAMINER

LUK, LAWRENCE W

ART UNIT	PAPER NUMBER
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2838

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,497

Applicant(s)

FABER ET AL.

Examiner

Lawrence Luk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 32 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,13,15,18,20,21,24,27,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 2,5,8,10-12,14,16,17,19,22,25,26,28 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7, 9, 13, 15, 18, 20, 21, 24, 27, 29 and 30 are rejected under 35

U.S.C. 102(b) as being anticipated by Hart (5,600,411).

In regard to claims 1, Hart discloses the elements as claimed. Specifically, Hart shows at least two filter assemblies configured for interfitting with said filter mounting zones of said filter housing, each said filter assembly comprising a generally rectilinear filter body having a given peripheral configuration and a filter gasket configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation. (refer to col.7, line 56 to col.8, line 64).

In regard to claim 3, Hart shows each of the filter bodies has a peripheral recessed portion for positioning, mounting and bearing against a complementary edge portion of said filter gasket (refer to col.8, lines 60-64).

In regard to claim 4, Hart shows a small hole diffuser having a peripheral configuration similar to the peripheral configuration of said filter bodies, in the aggregate, when assembled with said filter housing and configured for interfitting within said filter housing, superimposed over said filter assemblies (refer to col.9, lines 36-40); a spacer interposed between said filters

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and said small hole diffuser (refer to col.9, lines 41-44); and a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with said filter housing in close overlying engagement with said small hole diffuser (refer to col.9, lines 30-40).

In regard to claims 6 and 7, Hart shows the filter housing comprises a frame-like, one-piece molded member having a recessed area for receiving each of said filter elements and an associated gasket therewithin, including separate areas for cooperatively interfitting with and bearing against edges of said gaskets opposite edges thereof bearing against said filter elements, and a projecting frame-like peripheral portion extending outwardly for surrounding engagement with said filter elements, said spacer and said small hole diffuser. The small hole diffuser further includes a peripheral flange at least along portions of a periphery thereof for engaging with and seating relative to a complementary peripheral flange portion of said filter housing (refer to col.9, lines 31-45 and Fig.3).

In regard to claim 9, Hart shows a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with a filter housing in close overlying engagement with a small hole diffuser (refer to col.9, lines 31-42).

In regard to claim 13, Hart shows a generally rectilinear filter housing having at least two filter mounting zones for receiving at least two filter assemblies, so as to define, in the aggregate, a filter assembly (refer to col.9, lines 30-40); and at least two filter assemblies configured for interfitting with said filter mounting zones of said filter housing, each said filter assembly comprising a generally rectilinear filter body having a given peripheral configuration and a filter

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gasket configured for interfitting about a periphery of said filter body for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both upon assembly and in operation (refer to col.8, lines 33-59); a small hole diffuser having a peripheral configuration similar to the peripheral configuration of said filter bodies, in the aggregate, when assembled with said filter housing and configured for interfitting within said filter housing, superimposed over said filter assemblies (refer to col.9, lines 36-40); a spacer interposed between said filters and said small hole diffuser (refer to col.9, lines 41-44); and a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, said coarse hole diffuser including means for engaging and interfitting with said filter housing in close overlying engagement with said small hole diffuser (refer to col.9, lines 30-40).

In regard to claim 15, Hart shows a mounting at least two filter assemblies with a generally rectilinear filter housing having at least two filter mounting zones so as to define, in the aggregate, a filter assembly; and sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both during assembly and in operation (refer to col.8, lines 33-64).

In regard to claim 18, Hart shows a small hole diffuser having a peripheral configuration similar to the peripheral configuration of said filter bodies in the aggregate, when assembled, with said filter housing, and interfitting within said filter housing superimposed over said filter assemblies; interposing a spacer between said filters and said small hole diffuser; and

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engaging a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, with said filter housing in close overlying engagement with said small hole diffuser (refer to col.9, lines 31-54 and Fig.3).

In regard to claims 20 and 21, Hart shows mounting comprises receiving filter elements and gaskets within a recessed area of a frame-like, one-piece molded member comprising said filter housing, including cooperatively interfitting with and bearing against edges of said gaskets opposite edges thereof bearing against said filter elements, and said filter housing surroundingly engaging said filter elements, said spacer and said small hole diffuser, the filter engaging and seating a peripheral flange of said coarse hole diffuser relative to a complementary peripheral flange portion of said filter housing (refer to col.9, lines 31-54).

In regard to claim 24, Hart shows a filter assembly comprising: means for mounting at least two filter assemblies with a generally rectilinear filter housing having at least two filter mounting zones so as to define, in the aggregate, a filter assembly; and means for sealingly engaging said filter body relative to said filter housing in response to forces encountered by said filter assembly both during assembly and in operation (refer to col.8, lines 32-64).

In regard to claim 24, Hart shows a small hole diffuser having a peripheral configuration similar to the peripheral configuration of said filter bodies in the aggregate, when assembled with said filter housing, and for interfitting within said filter housing superimposed over said filter assemblies; means for interposing a spacer between said filters and said small hole diffuser; and means for engaging a molded coarse hole diffuser, defining a combined diffuser and spacer integrally molded as a single, one-piece unit, with said filter housing in close overlying engagement with said small hole diffuser (refer to col.9, lines 31-54 and Fig.3).

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In regard to claims 29 and 30, Hart shows mounting comprises receiving filter elements and gaskets within a recessed area of a frame-like, one-piece molded member comprising said filter housing, including cooperatively interfitting with and bearing against edges of said gaskets opposite edges thereof bearing against said filter elements, and said filter housing surroundingly engaging said filter elements, said spacer and said small hole diffuser, the filter engaging and seating a peripheral flange of said coarse hole diffuser relative to a complementary peripheral flange portion of said filter housing (refer to col.9, lines 31-54).

Allowable Subject Matter

3. Claims 23 and 32 are allowed

Claim 23 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest a method for diffusing said arc, comprising: positioning and maintaining said arc stack and said filter assembly in assembled relation within said breaker housing, including maintaining compression on said gaskets and maintaining constant assembly force upon said assembly, equalizing compression loading of said gaskets and providing final positioning of the arc stack and filter assembly into the breaker case, utilizing complementary projections and slots formed respectively on said arc stack, said coarse hole diffuser and said breaker housing. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 32 is allowable. The reason for allowance is that the prior art of record fails to disclose or reasonably suggest means for diffusing said arc, comprising: means for positioning

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and maintaining said arc stack and said filter assembly in assembled relation within said breaker housing, including maintaining compression on said gaskets and maintaining constant assembly force upon said assembly, equalizing s compression loading of said gaskets and providing final positioning of the arc stack and filter assembly into the breaker case. It is these features found in the claim, as they are claimed in the combination, which has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

4. Claims 2, 5, 8, 10-12, 14, 16, 17, 19, 20, 25, 26, 28 and 31 are objected to as being dependent upon a rejected base claim. The prior art of record fails to teach or reasonably suggest that: Claims 2, 16 and 25, the filter gaskets are comprised of a silicone material. Claims 17 and 26 are dependent on claims 16 and 25. Claims 5, 10, 14, 19 and 28, a plurality of arc plates of an arc diffuser plate assembly, including means for locating and engaging said coarse hole diffuser relative to said arc plate assembly and means for engaging and maintaining a plurality of plates of said arc plate assembly in parallel and spaced apart condition. Claim 8 is dependent on claim 5. Claims 11 and 12 are dependent on claim 10. Claim 22 is dependent on claim 19. Claim 31 is dependent on claim 28. Claims 2, 5, 8, 10-12, 14, 16, 17, 19, 20, 25, 26, 28 and 31 would be allowable if rewritten in independent from including all of the limitations of the base claim.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Luk whose telephone number is (703)305-0617. The examiner can normally be reached on 7 a.m. to 5 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (703) 308-1680. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7724 for regular communications and (703)305-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

LWL
July 21, 2003

Lawrence Rut
examiner
7/21/03